

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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In re:

Joseph A. Gemignani, Sr, and  
Barbara A. Gemignani,

Debtors.

Case No. 21-25588-kmp  
Chapter 13

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**NOTICE OF DEBTORS' MOTION TO AMEND JUNE 22, 2023,  
ORDER RESOLVING TRUSTEE'S MOTION TO DISMISS**

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Joseph A. Gemignani, Sr., and Barbara A. Gemignani, the Debtors, move under Federal Rule of Bankruptcy Procedure 9014(a) to amend the June 22, 2023, order on Trustee's Motion to Dismiss.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in motion, or if you want the court to consider your views on the motion, then on or before **August 2, 2023**, you or your attorney must:

File with the court a written response explaining your position at:

United States Bankruptcy Court  
517 East Wisconsin Avenue, Room 126  
Milwaukee, WI 53202

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also send a copy to:

Attorney Deborah A. Stencel  
Miller & Miller Law, LLC  
633 W Wisconsin Ave, Ste 500  
Milwaukee, WI 53203

If you or your attorney do not take these steps, the court may decide that you do not

MILLER & MILLER LAW, LLC  
633 W Wisconsin Ave, Ste 500  
Milwaukee, Wisconsin 53203-1918  
(414) 277-7742 (o) (414) 277-1303 (f)

oppose the relief sought in the motion and may enter an order granting that relief.

Dated: July 25, 2023,

Miller & Miller Law, LLC

Attorneys for Debtors

By: /s/Deborah A. Stencel

Deborah A. Stencel

Bar No. 1084167

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**DEBTORS' MOTION TO AMEND JUNE 22, 2023, ORDER ON TRUSTEE'S MOTION  
TO DISMISS**

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Debtors move under Federal Rule of Bankruptcy Procedure 9014(a) to amend the June 22, 2023, order on Trustee's Motion to Dismiss because debtors cannot comply. In support of this motion, the movant states as follows:

1. On June 22, 2023, the court entered an order requiring, among other provisions, that the Debtors "must provide copies of 2022 federal and state income tax returns to the Trustee on or before July 31, 2023."
2. Debtors filed an IRS Form 4868, "Application for Automatic Extension of Time to File a U.S. Tax Return" for their 2022 taxes with the IRS, a copy of which has been provided to the Trustee.
3. Debtors intended to meet the deadlines set forth in the June 22, 2023, order, but have had a series of medical complications which prevent them from completing the taxes by the Trustee's deadline.
4. Debtors believe they can complete the state and federal taxes within a few weeks, but request a one month extension of the deadline so as to not set themselves up to fail.

WHEREFORE, the Debtors requests this court amend the June 22, 2023, order to provide that Debtors are to provide copies of 2022 federal and state income tax returns to the Trustee on or before August 31, 2023, and for any other relief just in the premises.

Dated: July 25, 2023,

Miller & Miller Law, LLC

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633 W Wisconsin Ave, Ste 500  
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Attorneys for Debtors

By: /s/Deborah A. Stencel

Deborah A. Stencel

Bar No. 1084167

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CERTIFICATE OF SERVICE

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The undersigned, an Attorney, does hereby certify that on July 25, 2023, a copy of the foregoing Motion that was filed July 25, 2023, was served electronically or at their proper post office address after their respective names on the following parties:

Joseph A. Gemignani, Sr.  
500 W Bradley Rd, Apt 234C  
Fox Point, WI 53217-2633

Trustee Rebecca Rogers Garcia, by ECF

US Trustee, by ECF

/s/Deborah A. Stencel  
Deborah A. Stencel  
Miller & Miller Law, LLC  
633 W Wisconsin Ave, Ste 500  
Milwaukee, WI 53203-1918  
(414) 277-7742  
(414) 277-1303 (fax)  
[deborah@millermillerlaw.com](mailto:deborah@millermillerlaw.com)

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